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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

EXAMINER	
KIM, JUNG W	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/688,142	CRANCE, GARY	
	Examiner	Art Unit	
	Jung W. Kim	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,11-31,33-50 and 52-75* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,11-31,33-50 and 52-75* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 October 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is in response to the amendment filed on 12 October 2004.

2. Claims 1-9, 11-31, 33-50 and 52-75 are pending.

3. Claims 1, 3, 23, 25, 41,42 and 44 are amended.

4. Claims 52-75 are new.

5. Claims 10, 32 and 51 are canceled.

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

7. The 112/2nd rejections to claims 1, 3, 23, 25, 42, 41 and 44 for lack of antecedent basis and indefinite claim language are withdrawn as the amendment overcomes the 112/2nd rejections.

8. The 112/2nd rejections to claims 10, 32 and 51 are withdrawn as these claims have been canceled.

Response to Arguments

9. Applicant's arguments, see Remarks, pg. 17, with respect to 112/2nd rejections for omitting essential subject matter have been fully considered and are persuasive. As disclosed on pg. 5, last paragraph of Applicant's specification, a browser element is described in the context of a preferred embodiment, which does not limit the invention to

this feature. Hence, the 112/2nd rejections for omitting essential subject matter in claims 1, 23 and 42 have been withdrawn.

10. In reply to Applicant's arguments that the rejections of claims 10, 32 and 51 are improper because Mast does not teach the limitation recited in the dependent claims, it is noted that the features upon which applicant relies (i.e., preventing perception of the displayed protected image when the user attempts a memory transfer [Remarks, pg. 19, last paragraph]) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant agues that since Mast only prevents a print out of the protected image and does not prevent perception of the original protected image, the limitation is not covered by the disclosure of Mast (pg. 19, 4th paragraph). However, the limitation "preventing the user from capturing the content including preventing a perception of the content whenever the user attempts to capture the content" (amended claim 1), encompasses preventing *any* given perception of the content, which is not restricted to the initial perception of the content as argued by Applicant. In the disclosure by Mast, a printout of the screen is another perception of the content, which is obscured when the user attempts to capture it (fig. 8). Hence, the teaching of Mast fully meets the limitation of preventing a perception of the content whenever the user attempts to capture the content.

Drawings

11. New corrected drawings are required in this application because the drawings are informal (Figures 10-16). Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The requirement for formal drawings will be held in abeyance until a Notice of Allowance is submitted.

Specification

12. The title of the invention is not descriptive. The title "Method and System for protecting electronic content" covers any type of security system for digital data, and does not address the subject matter of the claimed invention. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: 'Method and system for preventing users from capturing digital content while perception of digital content is enabled'.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 1, 3, 10, 23, 25, 32, 41, 42, 44, and 51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claim 1 recites the limitations "the user" and "the presence". There is insufficient antecedent basis for these limitations in the claim.

16. Claim 3 recites the limitations "the same size" and "the same location". There is insufficient antecedent basis for these limitations in the claim.

17. Claim 23 recites the limitations "the user" and "the presence". There is insufficient antecedent basis for these limitations in the claim.

18. Claim 42 recites the limitations "the user" and "the presence". There is insufficient antecedent basis for these limitations in the claim.

19. As per claim 41, the presence of the trademark or trade name JAVA is not proper under 35 U.S.C. 112, second paragraph (see 37 CFR 2173.05(u)). If a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of the 35 U.S.C. 112, second paragraph. *Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982)*. The scope of the claim is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product.

20. Claims 1, 23, and 42 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: 1) presenting an indicator to a user in a browser: this step is essential since this step precedes the step

of preventing the user from perceiving the content while the indicator is being presented, and further, the step requires means to present the indicator and corresponding content in a computer-implemented method; 2) replacing the indicator with the content (after the step of receiving a request from the user): this step is essential since in the preceding step, the user is prevented from perceiving the content while the indicator is presented; 3) preventing a perception of the content by replacing the content with the indicator whenever the user attempts to capture the content using a browser application that captures displayed content: this step is critical since only the presentation of the indicator prevents the user from perceiving the content, and only when the user attempts to use a capture feature of the browser application while perceiving the content is the capture feature disabled (for example, when implementing the applicant's method/system/apparatus, a user would still be able to take a photograph of the perceived content using a hand held camera, and thus "capturing" the content). These omitted steps are further necessary to particularly point out and distinctly claim the subject matter of the invention as enabled by the specification.

21. Claims 1, 23, and 42 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: 1) browser for displaying an indicator and corresponding content; 2) graphical interface tool to submit a request by the user to perceive the content; 3) browser application used by the user to

capture the content presented in the browser. Since the claims define a method and apparatus in terms of a computer implementation, wherein a user can perceive the indicator and content, the claims must define a structural relationship between the computer-implemented method/system/software and the content. These omitted structural relationships are further necessary to particularly point out and distinctly claim the subject matter of the invention as enabled by the specification.

22. The term "substantially" in claims 3, 25, and 44 is a relative term which renders the claim indefinite. The term "substantially" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The size and location of the image is rendered indefinite by the term "substantially".

Claim Rejections - 35 USC § 102

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. Claims 52-56 and 64-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Mast USPN 5,881,287 (hereinafter Mast).

25. As per claim 64, Mast discloses a system for protecting content, the system comprising:

a. a processor having communications links for receiving content from a network (col. 4:29-61);

b. an output device for making received network content perceivable; an input device for receiving user input (3:30-33); and

c. memory storage software instructions performed by the processor (i) for enabling a user to perceive the content, (II) for receiving a request from the user to access the content, (III) for preventing the user from capturing the content including preventing a perception of the content whenever the user attempts to capture the content (fig. 8 and related text).

26. As per claim 65, the rejection to claim 64 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the software instructions for preventing the user from capturing the content include software instructions for preventing the user from capturing the content while perception of the content is enabled (3:37-45).

27. As per claim 66, the rejection of claim 64 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the content is an image (fig. 8).

28. As per claim 67, the rejection of claim 64 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the software instructions for enabling the user to perceive the content include software instructions for presenting the content to the user when the user request access to the content (Fig. 8, reference no. 800A).

29. As per claim 68, the rejection of claim 64 under 35 U.S.C. 102(b) is incorporated herein. (supra) In addition, the software instructions for preventing the user from capturing the content comprise software instructions for preventing the user from using devices capable of capturing the content while the content is able to be perceived by the user (Fig. 8, reference no. 800C, col. 10:53-11:5).

30. As per claims 52-56, they are claims corresponding to claims 64-68, they do not teach or define above the information claimed in claims 64-68. Therefore, claims 52-56 are rejected as being anticipated by Mast for the same reasons set forth in the rejections of claims 64-68.

Claim Rejections - 35 USC § 103

31. Claims 1-3, 8-9, 11-17, 23-25, 30-31, 33-35, 42-44, and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen U.S. Patent No. 6,032,150 (hereinafter Nguyen) in view of Mast U.S. Patent No. 5,881,287 (hereinafter Mast).

32. As per claim 1, Nguyen discloses a computer-implemented method of protecting content, the method comprising:

d. presenting an indicator that differs from the content and indicates a presence of the content (col. 3:17-21; fig. 1, Reference Nos. 122, 123, and 124);

e. preventing a user from perceiving the content while the indicator is being presented (3:31-33; fig. 1, Reference No. 122);

f. receiving a request from the user to access the content (3:14-17; fig. 1, Reference No. 111);

g. enabling the user to perceive the content based on the request received from the user (3:31-35; fig. 1, Reference No. 124); and

h. preventing the user from capturing the content (3:62-65; fig. 1, Reference No. 124).

33. Nguyen does not disclose the step of preventing a perception of the content whenever the user attempts to capture the content. Mast teaches a method for filling a protected content with a pattern or message and leaving the unprotected content "as is" when a user attempts to capture digital content (fig. 8 and related text). Hence, it would be obvious to one of ordinary skill in the art at the time the invention was made for the step of preventing the user from capturing the content to include the substep of preventing a perception of the content whenever the user attempts to capture the content since it enables selective capture of digital content of only unprotected regions. Mast, Ibid. The aforementioned cover the limitations of claim 1.

34. As per claim 2, the rejection of claim 1 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of preventing the user from capturing the content includes preventing the user from capturing the content while perception of the content is enabled (Nguyen, col. 3:62-65).

35. As per claim 3, the rejection of claim 1 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content is an image and the indicator includes a display area that has a size that is greater than a size of the image and is positioned at a location of the image (Nguyen, Figure 1, Reference Nos. 122, 123, and 124).

36. As per claims 8 and 9, the rejection of claim 1 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of preventing the user from capturing the content comprises preventing the user from accessing an application of a browser used to produce the browser window that is otherwise capable of at least one of copying and saving the content (Nguyen, col. 3:12-39 and lines 62-65; claims 8 and 15).

37. As per claim 11, the rejection of claim 1 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content comprises an image and the step of enabling the user to perceive the content includes displaying the image (Nguyen, col. 3:12-24 and lines 30-34).

38. As per claims 12-17, the rejections of claims 1-9 and 11 under 35 U.S.C. 103(a) are incorporated herein. (supra) In addition, the indicator includes an icon that differs from the content and indicates a presence of the content; moreover, the functions of the indicator outlined above are also functions of the icon (Nguyen, Figure 1, Reference No. 123; col. 3:31-34; 1:29-53). The aforementioned cover claims 12-17.

39. As per claim 23, the rejection of claim 1 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the method comprises a network of computers having communications links for receiving content from a network, wherein each computer has an output device for making received network content perceivable and an input device for receiving user input (Nguyen, col. 2:40-60). Furthermore, each limitation defined in claim 1 has corresponding code instructions stored in memory and performed by each computer in the network having communication links (Nguyen, claim 15). The aforementioned covers claim 23.

40. As per claims 24-25, 30-31, 33 and 35, they are system claims corresponding to claims 2-3, 8-9, 11 and 23, and they do not teach or define above the information claimed in claims 2-3, 8-9, 11, and 23. Therefore, claims 24-25, 30-31, 33, and 35 are rejected as being unpatentable over Nguyen in view of Mast for the same reasons set forth in the rejections of claims 2-3, 8-9, 11, and 23.

41. As per claim 34, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions enable perception of the content from a webpage (Nguyen, Abstract).

42. As per claim 42, the rejection of claim 23 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the system protects the content by performing operations on computer software (Nguyen, claim 15). Furthermore, each code instruction performing a feature of the system is a logical code segment related to that feature. Hence, the aforementioned covers claim 42.

43. As per claims 43-44 and 49-50, they are apparatus claims corresponding to claims 24-25, 30-31 and 42, they do not teach or define above the information claimed in claims 24-25, 30-31, and 42. Therefore, claims 43-44 and 49-50 are rejected as being unpatentable over Nguyen in view of Mast for the same reasons set forth in the rejections of claims 24-25, 30-31, and 42.

44. Claims 57-60, 62, 69-72 and 74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mast in view of Nguyen.

45. As per claims 69 and 70, the rejection of claim 64 under 35 U.S.C. 102(b) is incorporated herein. (supra) Mast discloses using a video display on a Windows operated computer to present the content, but does not explicitly disclose presenting the

content in a browser window. Nguyen discloses displaying content using an applet loaded onto a browser window, wherein the applet prevents the user from accessing an application of a browser used to produce the browser window that is otherwise capable of at least one of copying and saving the content (fig. 1; col. 3:62-65, the save feature is disabled). Hence, it would be obvious to one of ordinary skill in the art at the time the invention was made for the software instructions to present the content in a browser window and prevent the user from accessing an application of a browser used to produce the browser window, since it is desirous to provide copy protection to web documents downloaded from the network (Nguyen, 1:45-52). The aforementioned cover the limitations of claims 69 and 70.

46. As per claim 71, the rejection of claim 64 under 35 U.S.C. 102(b) is incorporated herein. (supra) Mast does not teach the content comprising both an image and the software instructions for enabling the user to perceive the content include software instructions for displaying the image. Nguyen discloses using a program applet to enable a user to perceive content including software instructions for displaying the image, software instructions for receiving a request from the user to access the content and for preventing the user from capturing the content (fig. 1 and related text). Hence, it would be obvious to one of ordinary skill in the art at the time the invention was made for the content to comprise both an image and the software instructions in the form of an applet, since it is desirous to provide copy protection to web documents downloaded

from the network (Nguyen, 1:45-52). The aforementioned cover the limitations of claim 71.

47. As per claim 72, the rejection of claim 71 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content includes an image and the software instructions for preventing the user from capturing the content comprise software instructions for preventing the user from copying and saving the image (Nguyen, col. 3:62-65).

48. As per claim 74, the rejection of claim 71 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content includes text, the software instructions for enabling the user to perceive the content include software instructions for displaying the text, and the software instructions for preventing the user from capturing the content include software instructions for preventing capture of information representing the text (Nguyen, col. 1:18-20 and lines 45-52).

49. As per claim 57-60 and 62, they are claims corresponding to claim 69-72 and 74, and they do not teach or define above the information claimed in claims 69-72 and 74. Therefore, claims 57-60 and 62 are rejected as being unpatentable over Mast in view of Nguyen for the same reasons set forth in the rejections of claims 69-72 and 74.

50. Claims 4-7, 18-21, 26-29, 36-39, 41, and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Mast, and further in view of Lemay et al. Teach Yourself Java 2 in 21 Days (hereinafter Lemay).

51. As per claim 4, the rejection of claim 1 under 35 U.S.C. 102(e) is incorporated herein. Nguyen does not expressly disclose the indicator comprising text with instructions for securely viewing the content. However, as taught by Lemay, the applet used to secure graphical objects in the invention disclosed by Nguyen, are implemented in various contexts and adapted to feature many different types of user interfaces and user input (pgs. 175-200 'Putting Interactive Programs on the Web', pgs. 233-267 'Adding Images, Animation, and Sound', pgs. 269-291 'Building Simple User Interfaces for Applets', pgs. 320-351 'Responding to User Input in an Applet', and pgs. 353-380 'Developing Advanced User Interfaces with the AWT'). One of these features includes adding labels to an applet that instructs a user to actuate an action using a graphical interface tool (pgs. 273-274, 'Labels'; pg. 275, 'Buttons', second bullet, 'Button(String)'; pg. 276, Figure 11.3). It would be obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Lemay to the invention disclosed by Nguyen, since it is desirous for the applet to be both user and programmer friendly (Lemay, page 269, 2nd and 3rd paragraphs). The aforementioned cover the limitations of claim 4.

52. As per claim 5, the rejection of claim 4 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of enabling the user to perceive the content includes presenting the content to the user when the user requests access to the content by at least positioning a graphical interface tool over the indicator (Nguyen, col. 3:12-21; Lemay, pgs. 275-276, 'Buttons').

53. As per claims 6 and 7, the rejection of claim 5 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of preventing the user from capturing the content comprises preventing the user from using a single device to both present and capture the content (Nguyen, fig. 1, Reference No. 110; col. 3:62-65). The aforementioned cover claims 6 and 7.

54. As per claim 18, the rejection of claim 4 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content is described in a hypertext markup language (Lemay, pgs. 184-189, '<APPLET> tag').

55. As per claim 19, the rejection of claim 18 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the step of receiving a request from the user to access the content comprises receiving instructions from a user to access a document, the instructions including a network address of the document (Nguyen, col. 3:5-10 and lines 53-57; Lemay, pgs. 245-246, 'Retrieving and Using Images' and 'Relative File Paths').

56. As per claims 20 and 21, the rejection of claim 19 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the content generated by an applet includes sound and text (Nguyen, col. 1:18-20; Lemay, pgs. 263-266, 'Retrieving and Using Sounds').

57. As per claims 26-29 and 36-39, they are system claims corresponding to claims 4-7, 18-21 and 23, and they do not teach or define above the information claimed in claims 4-7, 18-21, and 23. Therefore, claims 26-29 and 36-39 are rejected as being unpatentable over Nguyen in view of Mast and Lemay for the same reasons set forth in the rejections of claims 4-7, 18, 19-21, and 23.

58. As per claim 41, the rejection of claim 26 under 35 U.S.C. 103(a) is incorporated herein. (supra) In addition, the software instructions are stored as an applet (Lemay, entire document).

59. As per claims 45-48, they are apparatus claims corresponding to claims 26-29 and 42, and they do not teach or define above the information claimed in claims 26-29 and 42. Therefore, claims 26-29 and 42 are rejected as being unpatentable over Nguyen in view of Mast and Lemay for the same reasons set forth in the rejections of claims 26-29 and 42.

60. Claims 61 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mast in view of Nguyen, and further in view of Lemay.

61. As per claim 73, the rejection of claim 71 under 35 U.S.C. 103(a) is incorporated herein. (supra) Neither Mast nor Nguyen expressly disclose the content comprising sound. However, as taught by Lemay, the applet used to secure graphical objects in the invention disclosed by Nguyen, are implemented in various contexts and adapted to feature many different types of user interfaces and user input (Lemay, pgs. 175-200 'Putting Interactive Programs on the Web', pgs. 233-267 'Adding Images, Animation, and Sound', pgs. 269-291 'Building Simple User Interfaces for Applets', pgs. 320-351 'Responding to User Input in an Applet', and pgs. 353-380 'Developing Advanced User Interfaces with the AWT'). One of these features includes using an applet to manipulate the presentation of sound (Lemay, pgs. 263-266). It would be obvious to one of ordinary skill in the art at the time the invention was made to for the applet to copy protect sounds, since it is desirous for the applet to provide copy protection on all the possible contents presented by the applet (Nguyen, 1:45-52). The aforementioned cover the limitations of claim 73.

62. As per claims 61, it is a claim corresponding to claim 73, and it does not teach or define above the information claimed in claims 73. Therefore, claim 61 is rejected as being unpatentable over Mast in view of Nguyen and Lemay for the same reasons set forth in the rejection of claim 73.

63. Claims 22 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Mast, and further in view of Huseby 'Video on the World Wide Web Accessing Video from WWW Browsers' (hereinafter Huseby).

64. As per claim 22, the rejection of claim 1 under 35 U.S.C. 103(a) is incorporated herein. (supra) Although neither Nguyen nor Mast disclose the protected content as including video information, it is well known in the art for digital video to be presented using an applet run on a browser. For example, Huseby teaches a sample java video applet run in a Netscape browser (pg. 4, Figure 4.4). It would be obvious to one of ordinary skill in the art at the time the invention was made for the content prevented from user capture to include video, since it is desirous for the applet to provide copy protection on all the possible contents presented by the applet (Nguyen, 1:45-52). The aforementioned cover the limitations of claim 22.

65. As per claim 40, it is a system claim corresponding to claims 22 and 23, and it does not teach or define above the information claimed in claims 22 and 23. Therefore, claim 40 is rejected as being unpatentable over Nguyen in view of Mast and Huseby for the same reasons set forth in the rejections of claims 22 and 23.

66. Claims 63 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mast in view of Nguyen, and further in view of Huseby.

67. As per claim 75, the rejection of claim 71 under 35 U.S.C. 103(a) is incorporated herein. (supra) Although neither Mast nor Nguyen disclose the protected content as including video information, it is well known in the art for digital video to be presented using an applet run on a browser. For example, Huseby teaches a sample java video applet run in a Netscape browser (pg. 4, Figure 4.4). It would be obvious to one of ordinary skill in the art at the time the invention was made for the content prevented from user capture to include video, since it is desirous for the applet to provide copy protection on all the possible contents presented by the applet (Nguyen, 1:45-52). The aforementioned cover the limitations of claim 75.

68. As per claim 63, it is a system claim corresponding to claim 75, and it does not teach or define above the information claimed in claim 75. Therefore, claim 63 is rejected as being unpatentable over Mast in view of Nguyen and Huseby for the same reasons set forth in the rejection of claim 75.

Conclusion

69. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jung W Kim
Examiner
Art Unit 2132

August 24, 2005

GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100